



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2014-09

Legistar #: 20140429

Board of Zoning Appeals Hearing: Monday, May 19, 2014 – 6:00 p.m.

Owner: Paragon Investments
% Mark Jeanetta
11611 San Vicente Boulevard
Suite 550
Los Angeles, CA 90049

Applicant: CPC General Contractor, LLC.
Attn: Griffin Chalfant
560 Linden Home
Marietta, GA, 30008

Address: 253 North Forest Avenue

Land Lot: 11600 District: 16 Parcel: 0360

Council Ward: 3 Existing Zoning: R-4 (Single Family Residential 4 units/acre)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce the required side yard setback for an unenclosed carport from 5 feet to 1½ feet. [§708.04(H) and §710.14(A)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



253 North Forest Avenue - Driveway View



253 North Forest Avenue - Side View

Recommended Action:

Approval. CPC General Contractors, LLC is requesting a variance for the property located at 253 North Forest Avenue that would allow them to build a 14 foot wide porte cochere to 1.5 feet from the property line. The property is zoned R-4 (Single Family Residential). All of the surrounding parcels are also zoned R-4 (Single Family Residential).

The property is located in an older part of the city where it is common to find many of the homes and structures do not comply with more contemporary and spacious setback requirements. As defined in Section 708.4 (H) of the Zoning Ordinance under the bulk and area regulations, the side setback is 10 ft.; and Section 710.14 (A) allows for an open, unenclosed projection to encroach into a required setback no more than 50% of that established by the zoning district. Under these regulations, the porte cochere could be constructed within 5 ft. of the property line

without the need of a variance. However, the applicant wishes to build the proposed structure up to 1½ feet from the side property line in order to accommodate a vehicle.

There is well established precedent for approving residential side setback variances, both for main structure and detached accessory structures:

Case #	Date	Address	Variance
V2003-04	2/24/03	185 Nancy Street	Variance to reduce the side yard setback from 10 feet to 2 feet. (<i>Attached garage</i>)
V2009-10	5/18/09	176 Stewart Ave	Variance to reduce the side yard setback from 10 feet to 3.9 feet. (<i>Main house</i>)
V2009-24	11/30/09	90 Stewart Ave	Variance to reduce side setback from 10 ft. to approximately 3 ft. (<i>Main house</i>) Variance to reduce side building setback from 10 ft. to .6 ft. (<i>Main house</i>)
V2010-16	7/26/10	257 Hunt St	Variance to reduce the rear and side setbacks for an accessory structure from 10' to 0'. (<i>Shed</i>)
V2013-04	1/28/13	548 Church St	Variance to reduce the major side setback from 25 ft. to 10 in. (<i>Attached garage</i>)

The Marietta Fire Marshall has determined that the proposed porte cochere would present no (fire) safety hazard. In addition, the neighboring home to the right is setback approximately 22 feet from the side property line, and thus no negative impact should occur.

In the architectural rendering of the proposed porte cochere, the roofline appears to have been re-drawn to indicate that no part of the structure would be closer than 1.5 feet from the property line. This would be an important point to ensure that run-off from the roof would not impact the adjacent property. As such, ***Staff recommends approval of the stated variances***, with the stipulation that no part of the proposed porte cochere would be closer than 1.5 feet from the property line.